

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MICHAEL E. TAYLOR #475730 §
v. § CIVIL ACTION NO. 6:06cv102
DOUGLAS DRETKE, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Michael Taylor, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Taylor's complaint weaves an outlandish and fanciful tale in which he shows an officer named Erica, whom he describes as "a white Negro woman," 174 pages of diagrams and tells her that he, Taylor, is not Aryan Nations and that he is married to various Negro women, who are entitled to the diagrams if anything happens to him, as well as three other folders which were stolen by state officials. He also complained to Warden Thomas about the theft of these folders. Taylor explains that the folders include some of his inventions, including laser body armor; "cloaking device chambeling armor," "chamberling body armor," an anti-gravity cloaking radar detection shield, an anti-gravity laser cloaking force field shield, a bait and tackle seal with blood bait, a "spinal meningitis disease combo," anti-gravity body armor, an anti-gravity cruise missile shield, the anti-gravity shield itself, an acne solution cream combo, a cirrhosis of the liver pill combo, a concentrated acne pill, another disease combo, a hepatitis vaccine, and a cholesterol diet pill combo. Taylor explains as follows:

These were stolen on D Wing by prison guards, operated by the Director and wardens of Coffield, and Aryan Nations brothers and sisters of KKK British Israel superior racist supremacist.

Taylor also says that these folders were stolen by members of the Aryan Nations, that he is being classified as a member of the Aryan Nations even though he is a "European black Israelite," he has the marks of the "ox bull calf" on his body, showing that he is an "Israelite black Assyrian King Solomon," and that he was poisoned with a pink substance in 2003.

On March 30, 2006, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed. The Magistrate Judge observed that Taylor had previously filed at least three lawsuits or appeals which had been dismissed as frivolous or for failure to state a claim upon which relief could be granted, and so he has three strikes for purposes of 28 U.S.C. §1915(g). Because Taylor did not pay the full filing fee nor show that he is in imminent danger of serious physical injury, the Magistrate Judge concluded that his lawsuit could be dismissed.

A copy of the Magistrate Judge's Report was sent to Taylor at his last known address, return receipt requested, not no objections have been filed; accordingly, Taylor is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has examined the Plaintiff's pleadings, the Report of the Magistrate Judge, and all documents and records in the case. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

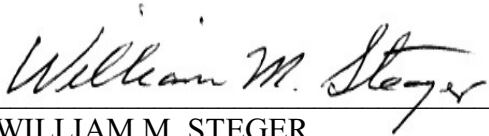
ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as are herein presented, but without prejudice as to the refiling of the lawsuit without seeking *in forma pauperis*

status and upon payment of the full filing fee. Should Taylor pay the full filing fee within 15 days of the order of dismissal in this case, his lawsuit shall be allowed to proceed as though the fee had been paid from the outset; however, the payment of the fee within 15 days, or a refiling of this lawsuit upon payment of the filing fee at a later time, will not affect a frivolousness analysis under 28 U.S.C. §1915A. Finally, it is

ORDERED that any and all motions which may be pending in this lawsuit are hereby DENIED.

SIGNED this 18th day of May, 2006.


WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE